

REMARKS

This Amendment is submitted in response to the final Office Action mailed on March 17, 2010, and the telephone interview courteously granted on April 29, 2010. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712174-00389 on the account statement.

Claims 47-51, 53-55, 58-60, 78, 80-82, 84, and 87-92 are pending in this application. Claims 1-46, 52, 79, 83, and 85-86 were cancelled without prejudice or disclaimer, and claims 56-57 and 61-77 were previously withdrawn from consideration. In the Office Action, the Claims 47-51, 53-55, 58-60, 78, 80-82, and 84-92 are rejected under 35 U.S.C. §112. Claims 78, 80-81, 84 and 88-92 are rejected under 35 U.S.C. §103(a). In response, Claims 78 and 84 have been amended. The amendments do not add new matter. At least in view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 47-51, 53-55 and 58-60 are rejected under 35 U.S.C. §112, first paragraph, for failure to comply with the written description requirement. The Patent Office asserts that the Specification fails to provide support for the limitation that "a surface area of the water-absorbing member is larger than a surface area of the power generator." See, Office Action, page 2. As discussed during the telephone interview, Applicants maintain their position that the Specification provides full support for the presently claimed limitation that the surface area of the water-absorbing member is larger than the surface area of the power generator, and provide additional support for same below. For example, the Specification describes that:

- (1) "For example, as shown in the drawings, the water absorbing member 18 is provided over the entire back surface of a display of the notebook-type personal computer 21 housing the power generation apparatus," (see, Specification, pg. 77, lines 20-23); and
- (2) "As obvious from the above, in the notebook-type personal computer 21, the water recovered by the water-absorbing member 18 can be kept on evaporating from the entire surface of the water-absorbing member 18 formed on the back surface of the display having an area larger than that of the power generator 10, so that the water can readily be disposed through discharge to the external of the power generation apparatus 20," (see, Specification, pg. 78, lines 21-26).

Because the Specification discloses that the water absorbing member 18 is provided over the entire back surface of a display, and the back surface of the display has an area larger than that of the power generator 10, it follows that the surface area of the water absorbing member is disclosed to be larger than the surface area of the power generator, as claimed. Thus, Applicants respectfully submit that the Specification provides full support for each and every limitation of Claims 47-51, 53-55 and 58-60.

Accordingly, Applicants respectfully request that the rejection of Claims 47-51, 53-55 and 58-60 under 35 U.S.C. §112, first paragraph, be withdrawn.

Furthermore, with respect to Claims 84, the Patent Office asserts that there is insufficient antecedent basis for the limitation "according to claim 83," since Claim 83 has been canceled. In response, Applicants have amended Claim 84 to depend from Claim 78. Accordingly, Applicants respectfully request that the rejection of Claim 84 under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, Claims 78, 80-81, 84 and 88-92 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Publication No. 02-168565 to Sakakibara et al. ("Sakakibara") in view of U.S. Patent No. 6,447,945 B1 to Streckert et al. ("Streckert"). In response, Claim 78 has been amended. In view of the amendments and/or for at least the reasons set forth below, Applicants respectfully submit that, even if combinable, the cited references fail to disclose every element of independent Claim 78 and Claims 80-81, 84 and 88-92 that depend therefrom.

Currently amended independent Claim 78 recites, in part, A power generation apparatus for generating electric power by supplying a fuel gas and an oxidizer gas such that the fuel gas and the oxidizer gas can electrochemically react with each other, comprising: a power generator having a predetermined electrolyte film provided between a first electrode and a second electrode; a separator having, formed thereon, a fuel supply groove for supplying the fuel gas to the first electrode and an oxidizer supply groove for supplying the oxidizer gas to the second electrode, and for holding the power generator; and a water-absorbing member for absorbing water generated during power generation by the power generator, provided at least on a midway portion of the oxidizer supply groove, the water-absorbing member having strip-formed regions extending in a direction substantially perpendicular to a direction of the oxidizer supply groove, wherein the water-absorbing member comprises a three-layered structure in which a two-layered

structure, including a first material having a water-absorbing/releasing property and a second material having a water absorbing property bonded with each other, is further bonded with a predetermined tape material on the lower side of the second material, the tape material having a rigidity property that reduces any sagging of the strip-formed regions of the water-absorbing member that extend over the oxidizer supply grooves, and wherein the second material includes a material absorbing the water by utilizing capillary phenomenon. The amendments are supported in the Specification at, for example, page 89, line 27 to page 90, line 7 and page 92, line 25 to page 93, line 15. In contrast, even if combinable, the cited references fail to disclose every element of the present claims.

For example, the cited references fail to disclose or suggest that the water-absorbing member comprises a three-layered structure in which a two-layered structure, including a first material having a water-absorbing/releasing property and a second material having a water absorbing property bonded with each other, is further bonded with a predetermined tape material on the lower side of the second material as required, in part, by independent Claim 78. The Patent Office admits that the combination of Sakakibara and Streckert does not teach a water-absorbing member comprising the claimed three-layered structure including a first material having a water-absorbing/releasing property and a second material having a water absorbing property. (See, Office Action, page 4). In addition, Sakakibara and Streckert do not disclose or suggest the water-absorbing member having strip-formed regions extending in a direction substantially perpendicular to a direction of the oxidizer supply groove, or where the tape material having a rigidity property that reduces any sagging of the strip-formed regions of the water-absorbing member that extend over the oxidizer supply grooves. (See, Specification, page 92, line 25 to page 93, line 15).

As discussed in the present application because the cloth material having water absorbency is very flexible, use of this material directly as the water-absorbing cloth 120, without being lined with the tape material 113, may cause sagging of the material in the portion covering the air supply groove 116, as shown in Fig. 11 showing a partial region of the section of the separator 110, and therefore may make it difficult to stabilize the shape. (See, Specification, page 92, line 25 to page 93, line 15). On the contrary, the tape material 133 has a rigidity enough to stabilize the shape despite of its flexibility, so that it can stabilize the shape of the

water-absorbing cloth 120, and can avoid the fear of unnecessary clogging of the air supply grooves 116 due to the sagging. (See, Specification, page 92, line 25 to page 93, line 15).

Accordingly, Applicants respectfully request that the rejection of Claims 78, 80-81, 84 and 88-92 under 35 U.S.C. §103(a) to Sakakibara and Streckert be withdrawn.

In the Office Action, Claim 82 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sakakibara and Streckert, and further in view of U.S. Patent No. 5,595,834 to Wilson et al. ("Wilson"). The Patent Office relies on Wilson merely for the disclosure of a separator having a radiating fin, and thus, even if properly combinable, Wilson fails to remedy the deficiencies of Sakakibara and Streckert with respect to Claim 82 as discussed above with regard to Claim 78.

Accordingly, Applicants respectfully request that the rejection of Claim 82 under 35 U.S.C. §103(a) to Sakakibara, Streckert and Wilson be withdrawn.

In the Office Action, Claim 87 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sakakibara and Streckert, and further in view of U.S. Patent No. 6,660,419 B1 to Nishida et al. ("Nishida"). The Patent Office relies on Nishida merely for the disclosure of an oxidizer supply groove having a roughened surface, and thus, even if properly combinable, Nishida fails to remedy the deficiencies of Sakakibara and Streckert with respect to Claim 87 as discussed above with regard to Claim 78.

Accordingly, Applicants respectfully request that the rejection of Claim 87 under 35 U.S.C. §103(a) to Sakakibara, Streckert and Nishida be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicits reconsideration of same.

Respectfully submitted,

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